WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1939

ENROLLED

HOUSE BILL No. 192

(By Mr. [Signature])

PASSED March 4, 1939

In Effect ninety days from Passage
ENROLLED

House Bill No. 198
(By Mr. Bowling, by request)

[Passed March 4, 1939; in effect ninety days from passage.]

AN ACT to amend and reenact sections six and seven, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to public health.

Be it enacted by the Legislature of West Virginia:

That sections six and seven, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:


Section 6. General Duties of State Department of Health.

2 The state department of health shall have the authority to
3 enforce all the laws of the state concerning the public health,
4 and shall take care to protect the life and health of the
5 inhabitants of the state, and to that end shall make or cause
6 to be made sanitary investigations and inquiries respecting
the cause of diseases, especially of epidemic, endemics, and
the means of prevention, suppression or control, the source
of mortality and the effects of localities, employments, habits
and circumstances of life on the public health, and shall
gather information in respect to these matters and kindred
subjects for diffusion among the people. It shall inspect and
examine food, drink and drugs offered for sale or public
consumption in such manner as shall be deemed necessary,
and shall report all violations of all laws of this state relating
to pure food, drink and drugs to the prosecuting attorney
of the county in which such violations occur, and lay before
such prosecuting attorney the evidence in its knowledge of
such violations. The commissioner of health or any member
of the public health council may make complaint and cause
proceedings to be instituted against any person or persons or
corporation for a violation of any of the health laws of this
state, without the sanction of the prosecuting attorney of the
county in which proceedings are instituted, if said officer fail
or refuse to discharge his duty, and in no such cases shall
they be required to give security for costs.

The public health council shall promulgate and enforce
regulations covering the design of all public water systems, plumbing systems, sewerage systems and sewage treatment plants, swimming pools and excreta disposal methods in West Virginia, whether publicly or privately owned, and the operation and qualifications of chlorination plant operators, chemists, bacteriologists and superintendents of filtration, or others who are in actual charge of plant operation of all public water systems, sewage treatment plants and swimming pools.

Nothing herein contained shall be construed to give the state department of health the power to regulate or interfere with the drainage from any mine or manufacturing plant unless the drainage from said mine or manufacturing plant shall contain disease producing bacteria in sufficient numbers to endanger health, organic or inorganic wastes of such nature as to cause the water intended for public or private water supplies to be unfit for use.

Sec. 7. Supervision Over Local Sanitation. No county or municipal government, public or private institution, firm, corporation or company, person or persons shall establish any system or method of drainage, water supply, excreta
disposal or system of garbage and refuse disposal in West Virginia unless the same is installed in accordance with plans and instruction issued by the state department of health or has been approved in writing by the state health commissioner or his authorized representative.

Whenever the state health commissioner or his authorized representative finds upon investigation that any system or method of plumbing, drainage, water supply, excreta disposal or garbage or refuse disposal, whether publicly or privately owned, is such as to endanger the public health or is creating a nuisance that is detrimental to health, the state health commissioner or his duly authorized representative shall be empowered to issue an order requiring the owner of such system or method to make such alterations as may be required by the state health department to correct the improper condition within a reasonable time.

The personnel of the state health department shall be at the disposal of any county, municipality, firm, corporation, company, person or persons to consult and advise with them as to the most appropriate design, method of operation or alteration of the systems or methods outlined in this section.
Any county, municipality, public or private institution, firm, corporation, company, person or persons who shall violate any provision of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred.

The provisions of this act shall be construed as separable and severable, and should any of the provisions or parts thereof be held to be unconstitutional, or for any reason invalid, the remaining portions shall not be affected thereby.

All acts or parts of acts in conflict with this act are hereby repealed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

I certify that the foregoing act, having been presented to the Governor for his approval, and not having been returned by him to the House of the Legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

This the 17th day of March, 1939.

Governor.